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20 Attorneys for Plaintiffs

21 **UNITED STATES DISTRICT COURT**  
22 **DISTRICT OF NEVADA**

23 NICHOLAS OTOMO, an individual;  
24 TIMOTHY MCCRIGHT, and individual, on  
25 behalf of themselves and all those similarly  
26 situated,

27 Plaintiffs,

28 vs.

29 NEVADA ASSOCIATION SERVICES, INC.,  
30 a Nevada corporation; and DAVID STONE,  
31 an individual,

32 Defendants.

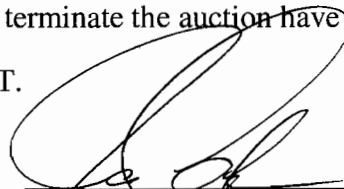
Case No.: 2:10-cv-2199

**DECLARATION OF JAMES R. ADAMS,  
ESQ.**


33 I, JAMES R. ADAMS, ESQ., having been duly sworn and under penalty of perjury, do hereby  
34 declare and affirm as follows:

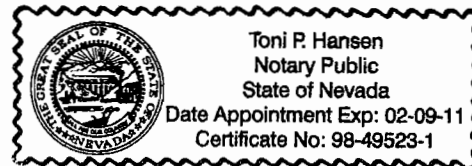
- 35 1. Declarant is over the age of 18, and am mentally competent.
- 36 2. I am the attorney for Timothy McCright in the above captioned action.
- 37 3. Declarant has personal knowledge of the facts contained in this Declaration and if called to  
38 testify under oath, he could and would do so.

4. Exhibit 1 attached hereto is a true and correct copy of the email correspondence between myself and Patrick Reilly, Esq., counsel for Defendants.
5. After several requests, and my supplying to Mr. Reilly a draft copy of a draft motion for temporary restraining order, the foreclosure sale which is the subject of the current Motion for Preliminary Injunction has been continued from December 23, 2010, to February 4, 2011. No further continuance have been granted.
6. Efforts to convince Defendants' counsel to terminate the auction have failed.
- FURTHER AFFIANT SAYETH NAUGHT.

  
JAMES R. ADAMS, ESQ.

Sworn to and subscribed before me  
this 13<sup>th</sup> day of January, 2011.

  
Notary Public in and for said  
County and State.



**CERTIFICATE OF SERVICE**

I certify that I am an employee of Adams Law Group, Ltd., and that I served the forgoing  
**DECLARATION OF JAMES R. ADAMS, ESQ.** on all parties to this action by:

<input checked="" type="checkbox"/>	Placing an original or true copy thereof in a sealed enveloped place for collection and mailing in the United States Mail, at Las Vegas, Nevada, postage paid, following the ordinary business practices;
<input type="checkbox"/>	Hand Delivery
<input type="checkbox"/>	Facsimile
<input type="checkbox"/>	Overnight Delivery
<input type="checkbox"/>	Certified Mail, Return Receipt Requested.

Patrick J. Reilly, Esq.  
 Holland & Hart, LLP  
 3800 H. Hughes Parkway, 10<sup>th</sup> Flr.  
 Las Vegas, Nevada 8919

Attorneys who previously consented to accept service in this action on behalf of Defendants

Nevada Association Services, Inc.  
 c/o David Stone, Resident Agent  
 6224 W. Desert Inn Road, Suite A  
 Las Vegas, Nevada 89146

David Stone  
 6224 W. Desert Inn Road, Suite A  
 Las Vegas, Nevada 89146


Dated this 3<sup>rd</sup> day of January 2011.  
  
 An Employee of Adams Law Group, Ltd

Exhibit 1  
of  
Declaration of James R. Adams, Esq.

**James Adams**

---

**From:** James Adams  
**Sent:** Monday, December 20, 2010 11:12 AM  
**To:** 'Patrick Reilly'  
**Subject:** RE: Timothy McCright

Thanks Pat. Please take some time over the holidays to do something other than work.

James R. Adams, Esq.  
Adams Law Group, Ltd.  
8681 W. Sahara Ave., Suite 280  
Las Vegas, NV 89117  
Ph: 702-838-7200 Fax: 702-838-3636

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**From:** Patrick Reilly [mailto:[PREilly@hollandhart.com](mailto:PREilly@hollandhart.com)]  
**Sent:** Monday, December 20, 2010 11:14 AM  
**To:** James Adams  
**Subject:** RE: Timothy McCright

James,

Per our discussion, and given my inability to review the allegations of the case on such short notice, NAS has agreed to postpone the pending foreclosure sale until February 4, 2011. Over the holidays, I will take a look at this and discuss possible next steps with you.

Thank you.

*Patrick J. Reilly, Esq.*  
*Holland & Hart LLP*  
*3800 Howard Hughes Parkway*  
*Tenth Floor*  
*Las Vegas, Nevada 89169*  
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**From:** James Adams [mailto:[James@adamslawnevada.com](mailto:James@adamslawnevada.com)]

1/12/2011

**Sent:** Monday, December 20, 2010 10:42 AM  
**To:** Patrick Reilly  
**Subject:** RE: Timothy McCright

Pat,

Here is a copy of the complaint and the draft motion for TRO. I'm still hoping you'll reconsider the auction.

James R. Adams, Esq.  
Adams Law Group, Ltd.  
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Las Vegas, NV 89117  
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**From:** Patrick Reilly [mailto:PREilly@hollandhart.com]  
**Sent:** Monday, December 20, 2010 10:06 AM  
**To:** James Adams  
**Subject:** FW: Timothy McCright

I heard back from my client regarding your request to postpone the foreclosure. NAS has no intention of postponing the sale; however, he can pay under protest to avoid the sale and preserve his rights for a later date. That should eliminate the need for seeking a TRO.

Thank you.

---

**From:** Patrick Reilly  
**Sent:** Monday, December 20, 2010 9:46 AM  
**To:** 'James Adams'  
**Subject:** FW: Timothy McCright

Please be advised that my office will accept service of the summons and complaint in the federal court action. If you do intend to seek a temporary restraining order, I expect that you will be providing a copy to my office simultaneously with filing in accordance with Rule 65.

I obviously have not yet had a chance to see the Complaint yet but cannot imagine why you would be suing Mr. Stone in an individual capacity.

Also, you did not attach a copy of the letter, and I do not know why you are in contact with the HOA directly when you know this has been sent out for collections.

*Patrick J. Reilly, Esq.*  
*Holland & Hart LLP*  
*3800 Howard Hughes Parkway*  
*Tenth Floor*  
*Las Vegas, Nevada 89169*  
[www.hollandhart.com](http://www.hollandhart.com)

1/12/2011



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**From:** James Adams [mailto:James@adamslawnevada.com]  
**Sent:** Monday, December 20, 2010 7:46 AM  
**To:** Patrick Reilly  
**Cc:** ppremsrirut@brownlawlv.com  
**Subject:** RE: Timothy McCright

Pat,

I would once again request NAS halt the foreclosure scheduled for December 23, at 10 a.m., on Mr. McCright's property. I have attached a letter from the Willow Tree HOA stating that he is in "good standing." I'll need to move forward with an application for TRO if NAS does not consent to continue the foreclosure. Could you please advise me by 10:30 a.m., as time is very short. On Friday afternoon, Mr. McCright and another homeowner filed an action in federal district court against NAS and Mr. Stone. The case number is 2:10-cv-02199. Thanks.

James

James R. Adams, Esq.  
Adams Law Group, Ltd.  
8681 W. Sahara Ave., Suite 280  
Las Vegas, NV 89117  
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**From:** Patrick Reilly [mailto:PReilly@hollandhart.com]  
**Sent:** Thursday, December 16, 2010 10:51 AM  
**To:** James Adams  
**Subject:** RE: Timothy McCright

I'm not sure who he needs to make the check out to, but he needs to deal directly with NAS. And they are still willing to give a SLIGHT reduction to Mr. McCright (the capital letters provided by my client, not me).

Thanks.

---

**From:** James Adams [mailto:James@adamslawnevada.com]

1/12/2011

**Sent:** Thursday, December 16, 2010 9:52 AM  
**To:** Patrick Reilly  
**Subject:** RE: Timothy McCright

Pat,

Thanks for the quick response. Just for clarification, does he owe NAS \$2,629.67, or does he owe the HOA that?

James R. Adams, Esq.  
Adams Law Group, Ltd.  
8681 W. Sahara Ave., Suite 280  
Las Vegas, NV 89117  
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---

**From:** Patrick Reilly [mailto:[PREilly@hollandhart.com](mailto:PREilly@hollandhart.com)]  
**Sent:** Thursday, December 16, 2010 9:34 AM  
**To:** James Adams  
**Subject:** Timothy McCright

James,

I have heard back from my client and NAS will not agree to continue the foreclosure sale. From my understanding, this matter does not involve a superpriority lien. He fell behind on his assessments, and the matter was sent to collections. He circumvented NAS and went directly to the HOA to pay certain outstanding assessments. However, he never paid the collection fees that had already accrued. Then he filed a complaint against NAS with the FID. I am surprised that you would ask for such a courtesy given the foregoing--I assume you were not aware of it. Setting that aside, NAS has given this gentleman ample opportunity to bring his account current and even offered him a reduction of fees. He is just playing games at this point, and the outstanding current amount owed is \$2,629.67, which needs to be delivered to NAS's offices before December 23 if he wants to avoid foreclosure.

Thank you.

*Patrick J. Reilly, Esq.*  
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